



CALIFORNIA STATE BOARD OF EDUCATION

JULY 2004 AGENDA

☒ **Specific Waiver**

SUBJECT	
Request by San Carlos School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session.	<input checked="" type="checkbox"/> Action
Waiver Number: 21-5-2004	<input type="checkbox"/> Consent

RECOMMENDATION

☐ Approval ☐ Approval with conditions ☒ Denial

Meets none of the conditions and must serve meals at the 2004 summer session

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type normally go to the State Board of Education Action Calendar, as there is a statutory basis for the denial recommendation.

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The San Carlos School District has requested a waiver of EC Section 49550 for the summer of 2004.

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria. Based on the information provided, this district meets only one of the four criteria as outlined below:

Criteria One: The summer school session is of less than four hours duration and is completed by noon, allowing pupils to go home during the lunch period. Although the district has stated that their summer school session is less than four hours and is over by noon, they have not provided supporting documentation. (not met.)

Criteria Two: Less than 10 percent of needy pupils attending the summer school session are at the schoolsite for more than three hours per day. According to the waiver, all children remain on-site for more than three hours (not met).

Criteria Three: A Summer Food Service Program for Children site is available within the school attendance area. There is no Summer Food Service Program for Children within the attendance area of the Tierra Linda School (not met).

San Carlos School District, Page 2

Criteria Four : Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs. The San Carlos SD does not indicate it will suffer a financial loss (not met).

On May 25, 2004, this waiver was received and reviewed by the California Department of Education (CDE). During the review process, it was noted that the district had not provided sufficient supporting documentation to make a decision regarding the waiver request. On May 26, 2004, Martin Fuentes was contacted to request support documentation. Although the district has indicated that it will meet Criteria One, it has not provided the required daily summer school schedule to support this.

The second criteria the district is using to satisfy this request is Criteria Two. Mr. Fuentes stated that "no needy children" were enrolled in summer school this year. CDE asked Mr. Fuentes to substantiate this claim in writing, but so far, the district has not provided this statement in writing or supplied any support. Documentation provided by the Educational Demographics Unit reveals that the district had 60 needy children enrolled during the 2002-03 fiscal year and meals were claimed for these children. Mr. Fuentes was given a deadline of May 28, 2004 to respond with written documentation supporting his claim that no needy children would be attending summer school in the San Carlos SD. As of June 10, 2004, no additional documentation has been received.

Authority for the Waiver: *Education Code* (EC) Section 49548.

Bargaining unit(s) consulted on date(s): Not required for summer school waivers.

Position of bargaining unit(s) (choose only one): Not required for summer school waivers.

☐

Neutral

☐

Support

☐

Oppose

Name of bargaining unit(s)/representative(s): Not required for summer school waivers.

Local board approval date(s): 05/13/04

Period of request: 06/23/04 to 07/21/04

FISCAL ANALYSIS (AS APPROPRIATE)

If this waiver is denied, San Carlos SD will have to serve meals if they continue with the summer school session as outlined. This might require a draw on Proposition 98 funds or local finances